

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Sabrina Poulos on 08/23/2010 who agreed for the cancellation of withdrawn claims 7-10. Please review the attached interview summary for details.

With regards to instant claim 9, It is noted that Instant claim 9 is drawn to non-statutory subject matter. It is a use claim and is drawn towards the method of use of the compound of formula (I) or a pharmaceutically acceptable salts thereof in the manufacture of a medicament and additionally encompasses a method of using the compound for prevention of fibrosis, but, since the claim reads on a product (i.e. a medicament that comprises the compound) and since the claim does not set forth any steps involved in the methods/processes (i.e. in the method of manufacturing or the method of preventing fibrosis), it is unclear what methods/processes applicant is intending to encompass. Accordingly, since the statement of claim 9 is non-statutory, claim 9 will be rejoined with the elected claims as a linking claim between Groups I, II, and IV set forth in the restriction requirement, mailed 6/16/08. Therefore, Claim 9 link(s) inventions I, II and III set forth in the restriction requirement dated 06/16/08. The

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restriction requirement between the linked inventions is subject to the nonallowance of the linking claim(s), claim 9. Upon the indication of allowability of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise requiring all the limitations of the allowable linking claim(s) will be rejoined and fully examined for patentability in accordance with 37 CFR 1.10. Claims that require all the limitations of an allowable linking claim will be entered as a matter of right if the amendment is presented prior to final rejection or allowance, whichever is earlier. Amendments submitted after final rejection is governed by 37 CFR 1.116; amendments submitted after allowance is governed by 37 CFR 1.312.

Applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, the allowable linking claim, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

However, as per the applicant's instructions, claim 9 which was rejoined with the instant claims has been cancelled.

Note: Allowed claims 30-46 will be renumbered as 1-17.

Claims are amended as follows for allowance

Proposed Examiner's amendment for allowance in the claims:

Cancel withdrawn claims 7-10

Conclusion

Claims 30- 46 (renumbered 1-17) are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAVITHA RAO whose telephone number is (571)270-5315. The examiner can normally be reached on Mon-Fri 7.00 am to 4.00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin Marschel can be reached at 571-272-0718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SAVITHA RAO/

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/Ardin Marschel/

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